

#### **DETAILED ACTION**

1. In Applicant's amendment dated 07/17/2008, claims 21, 43 and 44 are amended. Examiner's rejections of claims 43 and 44 under 35 U.S.C. 112 are withdrawn.

#### ***Claim Rejections - 35 USC § 103***

2. **Claims 21, 23-26, 28, 35-37, 39-42, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchholz (U.S. Patent 6,260,906) in view of Brown et al. (US 3,841,044).**

Regarding **claim 21**, Buchholz discloses a sealing strip for mounting on a vehicle frame structure (37 Fig. 6) and cooperating with a window pane (44) which can be pivoted between an open and a closed position, the sealing strip comprising: an elongated body having a substantially U-shaped cross-section (Fig. 6), defining a hollow space that receives a portion of the window pane when the window pane is in the closed position (Fig. 8), and having a curvature that is dependent upon the frame structure (Fig. 1), said body further comprising first and second molded parts (18,21) that connect together to form the elongated body, wherein: (i) the first and second molded parts each have a substantially L- shaped cross section (Fig. 6), are molded separately from each other using a synthetic material (Col. 4 Lines 47-60), and each comprise a mounting portion (base 26) and a side portion (limbs 27,28) extending from the mounting portion in a first direction substantially perpendicular to the mounting portion (Col. 5 Lines 8-10); (ii) the mounting portions of the first and second molded parts overlap when the first and second molded parts are connected to one another (Fig. 6); (iii) the first molded part further comprises a first projection (30,31) integrally

formed with the mounting portion of the first molded part; (iv) the mounting portion of the second molded part has a first cutout (32,33) formed therein for receiving the first projection of the first molded part when the first and second molded parts are connected so that the first projection engages the mounting portion of the second molded part and secures the first molded part to the second molded part, a second projection and a second cutout (positioning elements located in planes 23; Col. 4 Line 53 - Col. 5 line 4); first and a second sealing elements (19,22), each of said sealing elements being attached to an end of the side portion of the respective first and second molded parts and each being formed from an elastomer (Col. 4 Lines 45-47); and first and a second sealing lips (42,43), each of said lips being disposed on an end of the respective first and second sealing elements, wherein the first and second sealing lips abut opposite sides of the window pane when the window pane pivots into the closed position (Fig. 11).

While it appears that the depth of the hollow space decreases between the first and second end and for the sake of expediting the prosecution of the application, it would have been obvious to one of ordinary skill in the art at the time of the invention to decrease the depth of the hollow space between a first and a second end of the body, since the depth would have been an obvious matter of design choice, and the sealing strip would have functioned equally as well having any depth as well as allowing the space between the window pane and the sealing strip to function properly during opening and closing of the window pane.

Buchholz does not disclose each projection and cutout widening toward outer sides of the molded parts and each cutout having a rectangular shape and first and second portions of different widths.

Brown discloses a connection means comprising a projection 72 (Fig. 6) having a wide end 74, and a cutout 80 having a first portion 82, a second portion 86 and a wide outer portion 84.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to form the projections and cutouts of Buchholz in the same manner as the projection and cutout of Brown. The motivation for doing so would have been to provide a more secure connection between the first and second molded parts during installation before they are connected to the vehicle body.

Although neither Buchholz nor Brown discloses rectangular cutouts, it would have been an obvious matter of design choice to form the cutouts in a rectangular shape. Such a modification would not result in any change in the function of the connections, and changes in size or shape without special functional significance are not patentable. *Research Corp.v. Nasco Industries, Inc.*, 501 F2d 358; 182 USPQ 449 (CA 7) cert. Denied 184 USPQ 193; 43 USLW 3359 (1974).

Buchholz further discloses, [claim 23] wherein the first and second sealing lips each have an arcuate shape and contact each other within the hollow space when the window pane is in the open position (Fig. 6); [claims 24, 35] wherein the first and second molded parts are formed from fiber-reinforced poly(oxy-(2,6-dimethyl)- 1,4-phenylene) (PPE reinforced with various fibers is disclosed; Col. 7 Lines 14-39);

[claims 25, 36, 40] wherein the first and second sealing elements are formed from ethylene/propylene-diene- copolymer or thermoplastic elastomer (EPDM and TPE are disclosed; Col. 6 Line 53 to Col. 7 Line 5); [claims 26, 37, 41, 42] wherein the portions of the first and second molded parts that are attached to the respective first and second sealing elements are coated with styrene-butadiene-rubber (blends including SBR are disclosed; Col. 7 Lines 40-55); [claims 28, 39, 45, 46] wherein the first and second molded parts are positively locked together by the projection and the cutout (Col. 5 Lines 60-66)

3. **Claims 22, 27, 29-34, 38, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchholz (U.S. Patent 6,260,906) in view of Brown et al. (US 3,841,044) and further in view of Kaye et al. (6,409,251).** The combination of Buchholz and Brown discloses a sealing strip as set forth above, but does not disclose wherein at least one of the first and second molded parts comprises a coated surface positioned to contact the window pane when the hollow space receives the portion of the window pane; and the coated surface is coated with an antifriction varnish or is flocked.

Kaye et al. discloses a sealing strip wherein the surfaces which are contacted by the window pane are provided with friction resistant coatings (Col.6 Line 65 to Col. 7 Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention, to provide the sealing strip of Buchholz with the coatings of Kaye et al., in order to reduce resistance between the window pane and the sealing strip (see Kaye et al., Col. 6 Line 65 to Col. 7 Line 3).

***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

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